

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, August 12, 2014
J.P. Courtroom, County Service Center
126 W. 5th Street
Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)
(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant may have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 (Page 1) – Introduce Docket and advise public who the Applicants are.

Docket BA3-14-06 (Church at Sunsites): The Applicant proposes to expand the use of an existing Church, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1804.07.C (gravel surface in lieu of DBST for driving and parking areas) and 1806 (landscaping requirements).

The subject parcel, 114-15-128A, is located at 995 E. Treasure Road in Pearce, AZ.

Applicant: The Church at Sunsites

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report

Call to the Public


ADJOURNMENT



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

TO: Board of Adjustment, District 3
FROM: Peter Gardner, Planner I 
FOR: Beverly Wilson, Planning Director
SUBJECT: Draft Minutes of the Regular Meeting of July 8, 2014
DATE: July 30, 2014

Members Present:

Paul Brick, Chairman
Shawn Wales, Vice-Chair
Helen Barnard, Member

Staff Present:

Peter Gardner, Planner I

Others Present:

Kenneth Seaman – Applicant
Anthony Tilden – Applicant
Kendie Tilden – Applicant
Timothy Meracle
Karen Meracle

These minutes for the BA3 meeting held on July 8, 2014 are complete only when accompanied by the memoranda for said meeting dated July 8, 2014.

Call to Order / Roll Call / Election:

Chairman Paul Brick called the meeting to order at 6:35 p.m. at the J.P. Courtroom at the County Service Center in Benson. He explained the procedures of the meeting to those present, and noted that all three members were present and that as such, a quorum was established and business could proceed.

Mr. Wales made a motion to approve the minutes of the July 8, 2014 regular meeting. Mr. Brick seconded the motion adding one typographical correction, and the vote was 2-0 to approve the minutes of the July 8, 2014 meeting, with Ms. Barnard abstaining.

NEW BUSINESS

Item 1

Docket BA3-13-05 (Seaman): The Applicant proposes to change the use of an existing

convenience store to a commercial plant nursery, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1804.06.F.1 (driveway must be clearly defined); 1804.07.C (native surface in lieu of DBST for driving and parking areas); 1806 (landscaping requirements); 1804.06.F.3 (minimum driveway width); 1807.02.B.1 (driveway within 200-feet of an arterial road);

The subject parcel, 114-17-001, is located at 501 N. Frontage Road, in Pearce.

The Applicant is Kenneth Seaman.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variance. He concluded by offering factors in favor and against approval. Mr. Wales asked if the proposed number of parking spaces was adequate. Mr. Gardner stated that it was.

Chairman Brick noted that the Applicant was present, and invited him to make a statement. Mr. Kenneth Seaman explained his background and the plans for the business, including the work already done at the site.

Ms. Barnard expressed support for the project. Mr. Wales asked if the change of use would affect signage requirements. Mr. Gardner explained that it would not since sign regulations were tied to area and street frontage. Ms. Barnard asked about future construction and expansion plans, which Mr. Seaman supplied. Mr. Wales asked if the surrounding area was also zoned General Business. Mr. Gardner affirmed that it is. Mr. Brick asked about a discrepancy in the report regarding the level of support. Mr. Gardner clarified that the higher level of support was correct. Ms. Barnard asked if someone was living in the building. Mr. Seaman stated that was the original intent, but was not being used as such.

Mr. Tim Meracle of Saint David spoke in support of the project as an asset to the community. There being no further speakers, Mr. Brick closed the public hearing and asked for discussion. Ms. Barnard expressed support for the project. Mr. Wales concurred.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Mr. Wales made a motion to grant the Variance as recommended by Staff citing the factors in favor. Ms. Barnard seconded the motion and Mr. Brick called for discussion. Mr. Brick asked if the Variances could be tied to the property rather than the use. Mr. Gardner recommended limiting the Variances to retail or service uses. Mr. Wales amended the motion, and Ms. Barnard seconded the amendment. There was no further discussion, and Mr. Brick called for a vote.

The vote was 3-0 to approve the motion.

Item 2

Docket BA3-13-06 (Tilden): The Applicant proposes to construct an accessory detached garage, and requests a Variance from Section 704.03 of the Cochise County Zoning Regulations, which requires any structure in an R-36 Zoning District to be a minimum of 20-feet from any property line. The Applicant proposes to construct the garage 14-feet from the east property line. The subject parcel, 121-18-009, is located at 451 E. Vail Lane, in Saint David. The Applicant is Anthony Tilden.

Chairman Brick called for the Planning Director's presentation of the Docket. Planner Peter Gardner delivered the report, illustrating the facts of the case utilizing photos, maps and other visual aids. He explained the proposed project and the nature of the requested Variance. He concluded by offering factors in favor and against approval. Mr. Wales asked about easements and other buildings in the area. Mr. Gardner explained that there was no interference with any easements or other structures.

Chairman Brick noted that the Applicant was present, and invited him to make a statement. Mr. Anthony Tilden explained the background behind the request. He explained the use of the building and the reason for the infringement of the setback.

Mr. Tim Meracle of Saint David identified himself as the property owner opposite the property line in question and stated he supported the request and considered it an asset to the neighborhood.

There being no further speakers, Mr. Brick closed the public hearing and asked for discussion. Mr. Brick asked the Applicant where the driveway was, expressing concern about the septic system. The Applicant provided clarification, noting that the site plan was not to scale. Mr. Brick asked if the neighbor in opposition could see the proposed structure. It was determined that it was not visible from the neighbor's property.

Chairman Brick called for Staff Summation and Recommendation. Mr. Gardner explained that Staff recommended Approval of the requested Variances.

Chairman Brick called for a motion. Ms. Barnard made a motion to grant the Variance as recommended by Staff citing the factors in favor. Mr. Wales seconded the motion and Mr. Brick called for a vote. There was no further discussion.

The vote was 3-0 to approve the motion.

Planning Director's Report:

Mr. Gardner offered a brief Director's Report informing the Board that there was one Docket for the next month. He noted to the Board that several Staff members had left the Department. The proposed Comprehensive Plan update and public meetings were also discussed, along with dockets heard by the Planning Commission.

Mr. Wales made a motion to adjourn. Ms. Barnard seconded, and the meeting was adjourned at 7:25 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner I *(PM2)*
FOR: Beverly Wilson, Planning Director
SUBJECT: Docket BA3-14-06 (Church at Sunsites)
DATE: July 30, 2014 for the August 12, 2014 Meeting

APPLICATION FOR VARIANCE

Docket BA3-14-06 (Church at Sunsites):

The Applicant proposes to expand the use of an existing Church, and requests Variances from the following Sections of the Cochise County Zoning Regulations: 1804.07.C (gravel surface in lieu of DBST for driving and parking areas) and 1806 (landscaping requirements).

The subject parcel, 114-15-128A, is located at 995 E. Treasure Road in Pearce, AZ. The Applicant is The Church at Sunsites.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 1.88-acres (81,680-square feet)
Zoning: SR-12 (Single Family Residential; 12,000-square foot minimum lot size)
Growth Area: Category B (Community Growth Area)
Plan Designation: High Density Residential
Area Plan: Mid-Sulphur Springs Valley Plan
Existing Uses: Church
Proposed Uses: Same with addition

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road/SR-22	E. Clouse Street/Single Family Residences
South	County Maintained Road/MR-1	E. Treasure Road/Vacant
East	County Maintained Road/SR-12	N. Dale Road/Single Family Residences
West	County Maintained Road/SR-22	E. Clouse Street/Single Family Residences

II. SITE HISTORY

- 1995 – Permit issued for temporary event.
- 1995 – Variance BA3-95-16 granted to permit 41,3-percent site coverage.
- 1996 – Permit issued to construct 2,016-square foot church and free-standing sign. This permit included requirements to for landscaping and a paved parking area.



Above: Location Map

III. PROJECT DESCRIPTION

The Applicant proposes to Expand the existing 2,016-square foot church with an 864-square foot addition to be used as a fellowship and meeting hall. The expansion re-triggers the requirements from the original permit from 1996 to install landscaping and pave the parking area.

IV. ANALYSIS OF IMPACTS

The site has been in operation as a church for 18-years. While the area has experienced some growth, the surrounding community is still characterized as a small townsite with scattered development. At the present time, Staff is confident that permitting the site to remain as is with the change of use will not negatively impact surrounding properties or safety.

The Mid-Sulphur Springs Valley Community Plan does encourage paved parking on all commercial sites, however, the existing oversized gravel parking lot has served the site adequately for 18-years, and is in character with other non-residential uses in the community.

The Community Plan also encourages “grandfathered” sites to come into compliance with current regulations whenever possible. In better economic times, this sentiment is fitting, as it contributes to the overall quality of the local community. In the current economic down turn however, permitting the continued use of non-compliant sites is deemed more important than requiring all possible improvements be made.

The final request is to waive the landscaping requirement. Under the regulations, the Applicant is required to landscape 5-percent of the site, an area of approximately 4,100-square feet. This landscaping must also include a minimum five-foot wide strip along any road. Based on the triangular shape of the parcel and the roads adjoining all three sides, this would require the applicant to install over 5,000 square feet of landscaping along the three roads. This is perhaps the least efficient layout of landscaping to maintain. The site is currently maintained in a neat, clean fashion as opposed to being native scrub land such as the nearby vacant spaces. Staff feels the aesthetics of the site are not unduly compromised by the omission of the landscaped strips.

As a side note, the previous Variance to permit site coverage of 41.3-percent is no longer relevant, as the current zoning regulations permit site coverage of 65-percent in the SR-12 Zoning District. The proposed expansion brings the site coverage up to approximately 41-percent, well under the permitted maximum of 65-percent.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on July 22, 2014 and published a legal notice in the *Bisbee Observer* on July 24. To date, the Department has received three letters of support from neighboring property owners. Two owners have expressed a desire that no additional access be permitted onto E. Clouse Street. Such access would have to be permitted by the Highway Department, and Highway regulations would currently deny such access and direct it onto E. Treasure Road as it currently is.



Above: View of the church and parking area. Below: View of a portion of the site the strip along N. Dale Road.



VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variances would not substantially impact neighboring properties;
2. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more “business and customer friendly.” Allowing the Variances would reinforce this effort without compromising safety or quality-of-life for area residents;
3. The existing parking is in good condition and will safely accommodate the expected traffic for this use; and
4. Staff has received three letters of support from neighboring property owners.

Factors Against Approving the Variances

1. The Mid-Sulphur Springs Valley Community Plan encourages paved commercial parking and bringing existing “grandfathered” structures into compliance.
2. This Variance would waive requirements not met from the 1996 permit.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variances as requested.

Sample Motion: Mr. Chair, I move to approve Docket BA3-14-06, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. Variance Application
- B. Site Plan
- C. Location Map
- D. Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

COCHISE COUNTY

"Public Programs...Personal Service"

JUN 27 2014

PLANNING

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3

to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 114-15-128A
2. Address of parcel: 995 E. Treasure Rd
3. Area of Parcel (to nearest tenth of an acre): 1 acre
4. Zoning District designation of Parcel: SR-12
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it.
SMALL CHURCH - 2000^{sq} ON 1.87 ACRES

6. Describe all proposed uses or structures, which are to be placed on the property.

Fellowship hall addition - 850^{sq}

7. State the specific nature of the variance or variances sought.

Landscape variance

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

The property is grass now and adding a 5' strip of landscaping would place a hardship for our older congregation of maintenance, and watering, it would be too much expense for water & care, and our neighbors would loose access for parking

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

The Church of Jesusites P.O. Box 727 Pearce, AZ 85625

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

Keith Brook P.O. Box 727 Pearce AZ 85625 6/25/14

APPLICANT'S PHONE NUMBER

Cell 602-980-1665

APPLICANT'S EMAIL ADDRESS

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

2103.02 Variances

The Board of Adjustment may grant a variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These zoning regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a variance from the strict application of these zoning regulations. The Board of Adjustment is authorized to grant any such variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY

JUN 27 2014

PLANNING

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4. Zoning District designation of Parcel: SR-12
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Small church - 2000 sq ft on 1.87 Acres

6. Describe all proposed uses or structures, which are to be placed on the property.

fellowship hall addition 850 sq ft

7. State the specific nature of the variance or variances sought.

Paving the parking lot

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

the expense for our small church would be huge and unnecessary
we use the property approx. 6 hours a week for worship
and studies and we may have 10-15 cars there on a busy
Sunday... the parking lot is now gravel which works well
now

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

the Church at Sunsites P.O. Box 727 Pearce, AZ 88225

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

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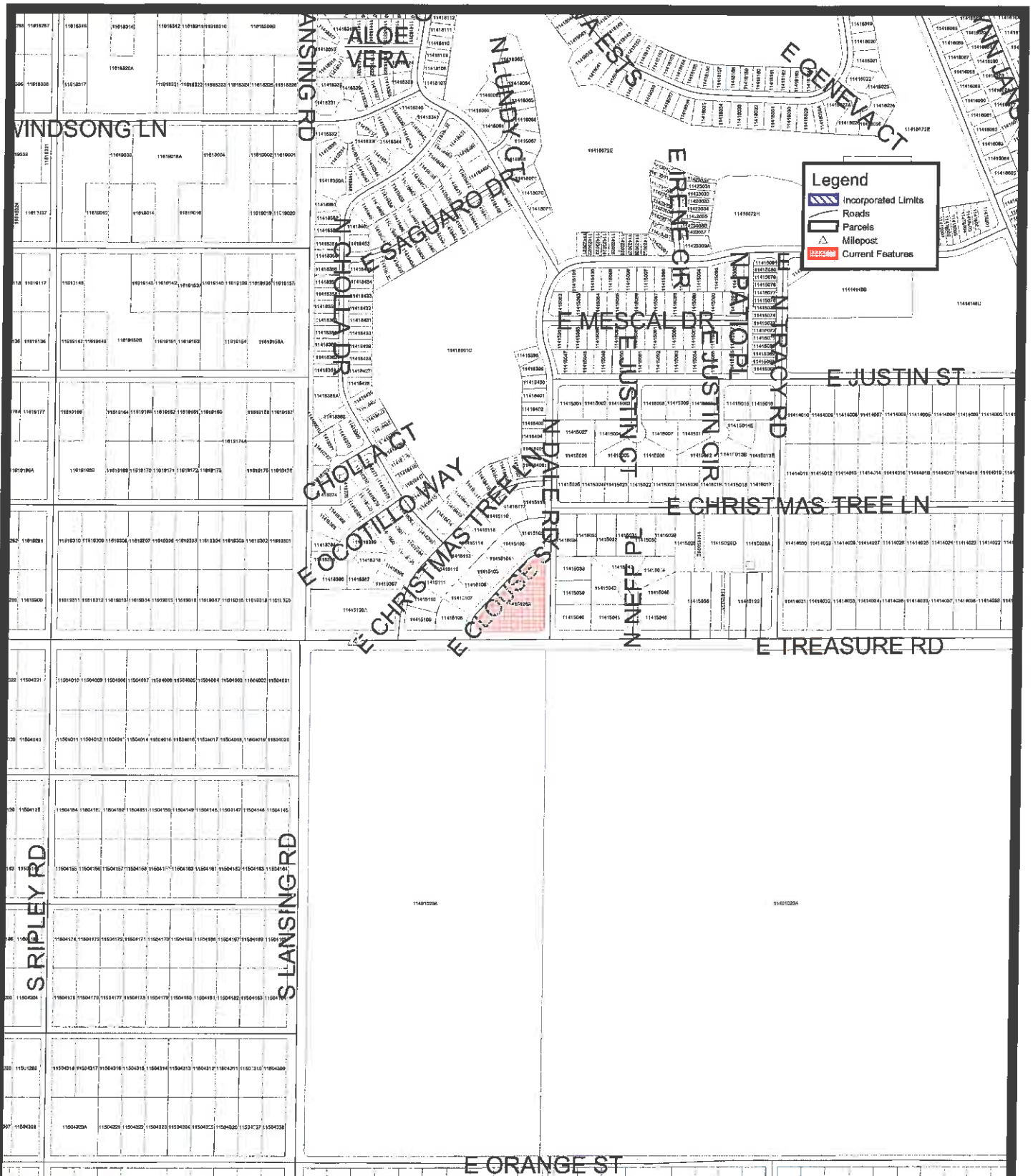
Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

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Any decision of the Board of Adjustment allowing a variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12 months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the variance approval are not complied with within 12 months or within the time period set by the Board, it shall be revoked after 30 days notice to the owner and applicant, unless a request for a review hearing before the Board of Adjustment is made by the applicant within this 30 day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the applicant.



14-06 (The Church at Suri

This map is a product of the Cochise County GIS Information Technology Dept.



0 1" = 700'

Variances: Docket BA3-14-06 (Church at Sunsites)

~~YES - I SUPPORT THIS REQUEST~~

Please state your reasons:

Conditional request.

1.) That no egress or ingress be allowed on
Clouse street.

~~NO - I DO NOT SUPPORT THIS REQUEST~~

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Donald L. Ford and Nancy L. Ford

SIGNATURE(S):

Donald L. Ford
Nancy L. Ford

YOUR TAX PARCEL NUMBER: 114 - 15 - 104 - 6 (like eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Board of Adjustment District 3 on August 12, 2014. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Thursday, July 31, 2014.

RETURN TO: Peter Gardner - Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

D

Variances: Docket BA3-14-06 (Church at Sunsites)

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YES, I SUPPORT THIS REQUEST

Please state your reasons:

The Church at Sunsites on Treasure Road is an asset to Sunsites. The people there keep their grounds neat and clean. Their building is also kept very neat and clean.

COCHISE COUNTY

JUL 28 2014

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PLANNING

(Attach additional sheets, if necessary)

PRINT NAME(S):

RAYMOND T. MAY and FRANCES A. MAY

SIGNATURE(S):

Raymond T. May
Frances A. May

YOUR TAX PARCEL NUMBER:

114-15-112 9

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Peter Gardner – Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

D

Variances: Docket BA3-14-06 (Church at Sunsites) JUL 29 2014

PLANNING

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YES, I SUPPORT THIS REQUEST

Please state your reasons:

I support this on one condition that there is no ingress or egress onto or into Clouse St. It would be nice if they would continue bordering Clouse St. with bushes so that would prevent anyone driving into or out of this area.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

CAROL L. RUEGG

SIGNATURE(S):

Carol L. Ruegg

YOUR TAX PARCEL NUMBER: 114-15-105 9 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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